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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,570	04/24/2001	Gary Boccadutre	1647001	5425

7590 10/12/2006
HORST M. KASPER
13 FOREST DRIVE
WARREN, NJ 07059

EXAMINER

SHAKERI, HADI

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,570

Applicant(s)

BOCCADUTRE ET AL.

Examiner

Hadi Shakeri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 7-10, 14-16, 18 and 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-13, 17, 19-22 and 27-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. This application contains claims 7-10, 14-16, 18, 23-26, drawn to an invention nonelected with traverse in Paper No. August 15, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11 is finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 11 recites the limitation "the attachment means" in line 4. There is insufficient antecedent basis for this limitation in the claim. Further the language should be amended to recite "attachment members" rather than "attachment member", if as recited in the claim the members are to permit ratchet extension sleeve and ratchet extension shaft to be installed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

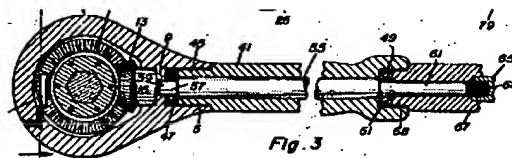
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 5 and 11 (as best understood) are finally rejected under 35 U.S.C. 102(b) as being anticipated by Lampke, US Patent No. 2,808,749.

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Lampke discloses all the limitations of the above claims 1, i.e., power wrench comprising a handle containing a motor (e.g., 67); a ratchet extension (41)



attached to the handle; a ratchet extension shaft (55) attached to the handle and a ratchet head (1); and the ratchet head (1) attached to the extension and the shaft, wherein the extension and the shaft are removable; a plurality of removable extension (41, 67, 81) and a plurality of removable shafts (55, 77) each separately removable.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 4 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Lampke, Hendrickson and Frenkel.

Each of the above mentioned prior art meets the limitations of the above claims except for disclosing an extension and a shaft having a length between 6 to thirty inches. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an extension and a corresponding shaft having a length of approximately 6-30", since it has been held that changing shape, dependent on work-piece parameters, involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954).

9. Claim 6 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke.

Lampke meets all of the limitations of claim 6, except for disclosing a plurality of disclosing the range or a specific size of the extensions, modification within the knowledge of

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one of ordinary skill in the art dependent on work-piece/operational parameters as indicated above.

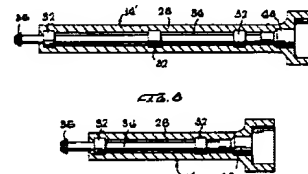
10. Claims 12, 13, 17, 19-22 and 27-31 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Lampke in view of Hendrickson.

Lampke meet the limitations of the above claims, except for disclosing an air power wrench. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pneumatic wrench as taught by Hendrickson, 04:56 in adapting the invention for application requiring pneumatic drive.

Lampke in view of Hendrickson disclose all of the different types of connection between the head and the handle as indicated above.

11. Claims 1 and 11 (as best understood) are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious Frenkel (5,709,136).

Frenkel discloses all of the limitations of claims 1 and 11 (as best understood), including "an area" between the sleeve and the shaft completely filled with air, however, in the alternative eliminating



the bearings, to save manufacturing costs, would have been obvious to one of ordinary skill in the art.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

13. Applicant's arguments filed on July 24, 2006 have been fully considered but they are not persuasive.

Applicant argues against the rejection of claims 1, 3, 5 and 11 over Lampke that the claims specify the assembly features of ratchet handle, ratchet extension and ratchet head and that Lampke fails to show how the shaft is extended. The limitations as recited are met by Lampke, i.e., a handle, an extension sleeve and extension shaft. Lampke also teaches different extensions to provide wrenches with different reach, see figures 1, 3-5; therefore the argument against claims 5 and 6 is not persuasive.

Applicant argues against the rejection of claims 2 and 4 over Lampke, Hendrickson or Frenkel, that none discloses an extension insertable between the head and the handle and that there is no suggestion as to the lengths. The references disclose, wrench extensions used to adjust the length of the wrench for a particular operation, and with regards to a specific length, although, a six-inch length is commonly used in the art, setting the extension length between 6 to 11 inches, dependent on the workpiece and/or operational parameters is well within the knowledge of one of ordinary skill in the art.

Applicant argues against the 35 USC 103 (a) rejections of claims 12, 13, 17, 19-22 and 27-31 over Lampke, that Lampke teaches shortening the arm not extending it. This argument is not persuasive, since even though Lampke is concerned with shorting the arm to work in a

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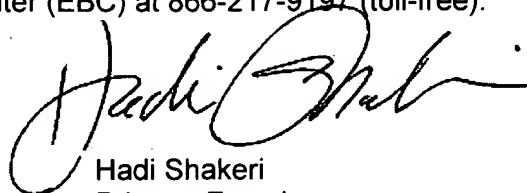
restricted area, in order to achieve that, it discloses a removable sleeve and shaft with different lengths, meeting all of the limitations of the claimed invention. It is also noted that while going from, e.g., Fig. 1 to Fig. 4, is shortening the arm, going from Fig. 4 to Fig. 1 extends the arm.

Applicant argues against the rejection of claims 1 and 11 over Frenkel that Frenkel discloses bearing thus does not meet the limitation, an area completely filled with air. Firstly it is noted that the rejection under anticipation, is applied to the claims as recited, which requires the area to be filled with air, which is met; the claim are not recited, e.g., with "consisting" language to exclude tools having bearings. With regards to the alternative obviousness rejection, the modified reference meets the limitations as argued. Regarding the argument that Frankel discloses an adaptor and not an extension. This fails to point out what limitations are not met. In an article claim, structures and structural relationships, define the article. An adaptor as disclosed by Frenkel, e.g., Figs. 2, 7, and 8 or in the Abstract, is interchanged for different lengths to reach workpieces of different or remote distances, and as such meets the limitation of an extension.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri
Primary Examiner
Art Unit 3723
October 5, 2006